



Resolved subject to approval by the Town Board of Marcellus and the Town Board of Otisco the bills on Abstract #12 in relation to the Spafford Area Water District are to be paid, (audited abstract total to be included in January 2010 minutes).

ABSTRACT #11 – NOVEMBER 2009

Audited bills for Abstract # 11 were as follows:

General Fund	vouchers 326 – 368	\$32,684.18
Highway Fund	vouchers 141 – 157	\$91,927.91
	(Highway Fund includes Machinery & Snow bills when applicable).	
Capital Fund	vouchers 40 – 46	\$31,943.02

TOWN SUPERVISOR’S MONTHLY REPORT & STATEMENT

Town Supervisor’s Monthly Report and Statement of Receipts and Payments for November 2009 was read by Accountant Thomas Chartrand and filed. Bank reconciliation documents for October 2009 and November 2009 were presented to the Town Board for review.

RESOLUTION 107-2009

Budget Transfer

On a motion by Councilor Fesko, seconded by Councilor Clark the following resolution was PASSED  
AYES – 5 Stevens, Fesko, Lieberman, Clark, Ireland  
NAYS – 0

Resolved to authorize the following budget transfer:

FROM:	General Fund A1990.4 - Contingent, Contractual.....	<u>\$1,400.00</u>
		\$1,400.00
TO:	General Fund A1670.4 - Central Printing & Mailing, Contractual.....	\$ 900.00
	A1920.4 - Municipal Dues, Contractual.....	100.00
	A3510.4 - Control of Dogs, Contractual.....	200.00
	A3620.4 - Safety Inspections, Contractual.....	<u>200.00</u>
		\$1,400.00

RESOLUTION 108-2009

End of Year Budget Transfers

On a motion by Councilor Fesko, seconded by Councilor Clark the following resolution was PASSED  
AYES – 5 Stevens, Fesko, Lieberman, Clark, Ireland  
NAYS – 0

Resolved to authorize Supervisor Stevens to make end of the year budget transfers as needed.

2010 ORGANIZATIONAL MEETING

A motion to conduct the Town of Spafford 2010 Organizational Meeting on January 7, 2010 at 7 p.m. was made by Councilor Clark, seconded by Councilor Fesko. The motion PASSED. AYES – 5, NAYS – 0.

RESOLUTION 109-2009

SOAWD Change Orders

On a motion by Councilor Fesko, seconded by Councilor Clark the following resolution was  
PASSED AYES – 5 Stevens, Fesko, Lieberman, Clark, Ireland  
NAYS – 0

Resolved to authorize Supervisor Stevens to sign any change orders to the SOAWD funding that may be needed prior to the January 7, 2010 Town Board meeting.

A motion to accept the Town Supervisor’s Monthly Reports & Statement as presented was made by Councilor Fesko, seconded by Councilor Clark. The motion PASSED. AYES – 5, NAYS – 0.

TOWN CLERK’S REPORT

Town Clerk’s Report and Statement of Receipts and Payments for November 2009 was read. A motion to accept the Report as presented was made by Councilor Clark, seconded by Councilor Ireland. The motion PASSED. AYES – 5, NAYS – 0.

CODE ENFORCEMENT OFFICER’S REPORT

Code Enforcement Officer’s Report for was read.

- Five new building permits were issued.
- Two cases were presented to the Zoning Board of Appeals.
- Completed two fire inspections of public buildings; thus completing all fire inspections for 2009.
- Three Stop Work Orders were issued: two have already been corrected. The third was for hogweed on the property; frost has killed the weed. The problem will be addressed in the Spring, if necessary, by the Onondaga County Health Dept.

A motion to accept the Code Enforcement Officer’s report was made by Councilor Ireland, seconded by Councilor Clark.

BID OPENING - Replace Two Overhead Doors On Highway Garage

Supervisor Stevens instructed Mrs. Valletta to open the bids received for replacement of two overhead doors on the Highway Garage. Two bids were received.

Bid #1 .....	Wayne Dalton of Syracuse.....	\$6,950.00
Bid #2.....	CNY Overhead Doors.....	\$7,800.00

RESOLUTION 110-2009

Bid Award

On a motion by Councilor Fesko, seconded by Councilor Clark the following resolution was  
PASSED AYES – 5 Stevens, Fesko, Lieberman, Clark, Ireland  
NAYS – 0

Resolved to award the contract for replacement of two overhead doors on the Spafford Highway Garage to Wayne Dalton of Syracuse in the amount of \$6,950.00.

REPLACE THIRD OVERHEAD DOOR ON HIGHWAY GARAGE

A motion to advertise for bids for the replacement of the third (smallest) overhead door on the Highway Garage was made by Councilor Fesko, seconded by Councilor Clark. The motion PASSED. AYES – 5, NAYS – 0.

RESOLUTION 111-2009

Cluster Housing

On a motion by Councilor Fesko, seconded by Councilor Clark the following resolution was PASSED

AYES – 5	Stevens, Fesko, Lieberman, Clark, Ireland
NAYS – 0	

Resolved the Town Board of the Town of Spafford will not entertain any applications for cluster housing.

VETERANS' MEMORIAL

A donation of \$1,000.00 was received towards purchase and installation of an Honor Roll at the Spafford Veterans' Memorial Park. Councilor Clark will research costs.

SURPLUS EQUIPMENT

A motion to declare the particle board cabinet previously used to store building plans as surplus equipment with no value was made by Councilor Fesko and seconded by Councilor Clark. The motion PASSED. AYES – 5, NAYS – 0.

PUBLIC HEARING continued - ZONING REVISION

A motion to resume the public hearing for discussion of proposed Local Law 2009-2 was made by Councilor Fesko and seconded by Councilor Clark. The motion PASSED. AYES – 5, NAYS – 0.

*(The comments, questions, and responses are not recorded verbatim.)*

*Jake Sheahan* Junkyards are prohibited?

*Supervisor Stevens* Yes, only grandfathered junkyards will be allowed to exist, no new ones; and we're talking about junkyards, not a vehicle or two.

*De Ann Porter* There is a sub division project proposal on Dave Hull Road, will the lot sizes be grandfathered? Will they be held to the old ordinance or the new one?

*Andrew Leja* Has the sub division been granted or is it pending?

*De Ann Porter* Pending; we've received the final plat plan.

*Andrew Leja* Once the sub division is granted, it is under the zoning in effect at the time it is granted.

*Joyce Larrison* Mr. Bragman's proposal is on Skaneateles Lake, I presume the lots will have lake access; is there any limit on the number of boats? It could potentially end up like a marina.

*Councilor Ireland* The Sub Division Board would look at that.

*Andrew Leja* The clustering will not happen now. Multiple lots with access to the lake, called a funnel development, is addressed in the revised zoning - it's prohibited. Each house that claims lake rights must have code regulated waterfront. However, a homeowners' association or club can request a special permit to allow multiple home access. This allows control to be placed at the discretion of the Zoning Board of Appeals.

*Gianfranco Frittelli* What is the legal definition of junkyard?

*Andrew Leja* It's defined within the ordinance and State law includes a definition.

*Kathy Adams* If an application is in process, but not approved, which version of zoning applies?

*Andrew Leja* If an application, whether for sub division or building, is at the beginning of the process and there is no undue burden on the applicant to comply, it would be under the new zoning. If the application process is near the end, such as at final plat stage, it would remain under the 1973 zoning.

*Frank Moran* How long would the ordinance be in effect? If a situation seems unworkable for our community, is there a time frame on the ordinance itself?

*Andrew Leja* It's a fluid document; changes can be made at any time through the local law process if the Town Board determines its at the best interest of the Town.

*Brad Haines* Why prohibit single wides in certain areas?

*Supervisor Stevens* They don't fit the neighborhood in some areas.

*Brad Haines* It seems discriminatory.

*Councilor Ireland* It's a compromise.

*Jake Sheahan* If this becomes law, does the Town Board have a liability to enforce it?

*Andrew Leja* Do you mean "duty"?

*Jake Sheahan* We have an abandoned building law that's not being enforced.

*Andrew Leja* Yes, there is an obligation to enforce, but there discretion is allowed when needed as adjudged by Town officials.

*Kelly Savage* Regarding obstruction of lake views - is this addressed? Perhaps to prevent obstruction or plantings that would obstruct in the future?

*Andrew Leja* Site plan reviews would be the way to address obstruction of lake views; but it can be very subjective.

*Eric Fordock* Zoning is an invasion of personal property rights.

*Andrew Leja* Yes, it provides a way for people to co-exist compatibly. The concept of zoning is a restriction on property rights - it's an organization of restrictions encouraging compatible uses to exist side by side.

*Johanna Frittelli* There's an abandoned home that is in bad shape, it has been abandoned for years. Why is it allowed to remain?

*Kim Fairchild* Once a complaint has been filed, if it is valid the law allows for three years for correction prior to continuing any action against the owner. Since the law was passed in 2008, I have not received any written, signed complaints.

*Andrew Leja* You want a process in place to avoid undue persecution; a lengthy, deliberate process that protects property owners.

*Jake Sheahan* What are the duties of the Code Enforcement Officer? Doesn't he have a duty to see violations as he drives through town?

*Andrew Leja* He has a duty to respond to complaints; legitimate complaints, duly filed, will be acted upon. Maybe not in the way you would like to see, but it will be addressed.

*Kathy Adams* Kim, maybe you could describe the process?

*Kim Fairchild* An individual comes in and files a written, signed complaint. I would make an initial, friendly contact with the property owner. If that contact brings no results, I can go so far as to send the issue to court and then it would be in the judge's hands.

*De Ann Porter* Is there a fee to file a complaint?

*Kim Fairchild* No.

*Holly Norton* Is this revision document the final list of revisions?

*Supervisor Stevens* Yes.

*Joe Vecchio* How far is the Town willing to go in court to fight some of these cases? What about arbitrary enforcement? If one property owner is cited then turns around and points at some one else's property?

*Andrew Leja* The Town has prosecutorial discretion so as not to enforce undue hardship. The first property owner can file a complaint, then is up to Town to determine the validity of the complaint. The property owner cannot enforce it on his own.

*Kathy Adams* The language in the PDD (Planned Development District) "rural to more urban" seems to be in conflict with the wording on page 1 "preserve rural". I'm concerned with this language and how an applicant may interpret it.

*Andrew Leja* The intent is not to mean "city" but to allow for transition from rural to not-so-rural or to more populated as opposed to open country-side. Zoning codes should be revisited every ten years or so to check for town character changes and the applicability of the ordinance.

*Supervisor Stevens* Are there any additional questions?

There were none.

A motion to close the hearing at 8:20 p.m. was made by Councilor Ireland and seconded by Councilor Clark. The motion PASSED. AYES - 5, NAYS - 0.

Supervisor Stevens stated the Town Board would vote on the proposed local law at the January 7, 2010 meeting.

**ADJOURNMENT**

A motion to adjourn the meeting at 8:25 p.m. was made by Councilor Fesko, seconded by Councilor Ireland. The motion was carried unanimously.

Respectfully submitted by,

Next meeting to be held  
Thursday, January 7, 2010 @ 7 p.m.  
@ Spafford Town Hall

Lisa M. Valletta  
Town Clerk  
Town of Spafford